



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

5720
ARSF-F
September 25, 2013

SENT VIA EMAIL TO: 445-65912304@REQUESTS.MUCKROCK.COM

MR JASON SMATHERS
MUCKROCK NEWS
DEPT MR 445
PO BOX 55819
BOSTON MA 02205-5819

Dear Mr. Smathers:

**SUBJECT: YOUR FREEDOM OF INFORMATION ACT (FOIA) REQUEST, FILE
NUMBER USMC-HQ 2011F030250**

This responds to your February 28, 2011, FOIA request seeking the Trademark Licensing Office (TMLO) records concerning a request from a company wishing to manufacture a Marine Corps energy drink as well as a company pitching a line of USMC themed condoms. Your request was controlled under file number **USMC-HQ 2011F030250**.

You specifically mentioned the TMLO so we contacted them on your behalf. They indicated that they have no records responsive to your request in reference to the Marine Corps branded condoms. However, they were able to identify 47 pages as responsive to the energy drink portion of your request. Upon review, we have determined that the documents are releasable and have enclosed a copy with this letter.

You will see that some information has been redacted. Specifically, third-party names and signatures have been withheld pursuant to FOIA exemptions (b)(6), which prohibit disclosure of personal information when an individual's privacy interest in it outweighs any public interest. In addition, portions of the document that contain "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential" have been withheld pursuant to FOIA exemption (b)(4).

Because some information has been withheld, you may consider this to be an adverse determination that may be appealed to the Department of the Navy, Office of the General Counsel, Attn: FOIA Appeals, Room 5A532, 1000 Navy Pentagon, Washington, DC 20350-1000. Your appeal, if any, must be postmarked within 60 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. We recommend that your appeal and its envelope both bear the notation "Freedom of Information Act Appeal."

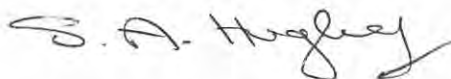
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We have categorized you as an "other requester" for the purpose of assessing FOIA processing fees. As such, you are entitled to two hours of search time and 100 pages of duplication free of charge but are responsible for the payment of any fees beyond that. In this instance, the applicable fees did not exceed your free entitlement so there is no charge for processing this request.

Questions concerning this action should be directed to Ms. Barbara Gonzalez of my staff at (571) 256-8636 or (703) 614-4008, or via email to smb.hqmc.foia@usmc.mil or fax at (703) 614-6287. Please reference the file number in the subject line above.

Finally, please note that I am the official responsible for this determination. Should you have questions or concerns, you may contact me at (703) 614-4008.

Sincerely,

A handwritten signature in black ink, appearing to read "S. A. Hughes", with a stylized flourish at the end.

S. A. HUGHES
Head, FOIA/PA Section

Enclosure